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*Attorney for Plaintiffs*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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EAGLE VIEW TECHNOLOGIES INC.,  
PICTOMETRY INTERNATIONAL CORP.,

Plaintiffs,

vs.

NEARMAP US, INC.,

Defendant.

**PLAINTIFFS' MOTION TO SET CLAIM  
CONSTRUCTION HEARING**

Case No. 2:21-cv-00283-TS-DAO

The Honorable Ted Stewart

Magistrate Judge Daphne A. Oberg

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Pursuant to Local Patent Rule 4.3, the Second Amended Patent Scheduling Order (Dkt. 152), and the Order Granting Expedited Stipulated Motion to Extend Claim Construction Deadlines (Dkt. 240), Plaintiffs Eagle View Technologies, Inc. and Pictometry International Corp. (collectively “Plaintiffs”) request a claim construction hearing. The parties disagree on the construction of nine different claim terms in the Asserted Patents.<sup>1</sup> Plaintiffs believe that oral argument on claim construction is likely to aid the Court in analyzing the issues presented in the parties’ respective claim construction briefs.<sup>2</sup>

Accordingly, Plaintiffs request that a claim construction hearing be scheduled.

Dated: February 17, 2023.

Respectfully submitted,

/s/ Juliette P. White

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<sup>1</sup> Plaintiffs assert infringement of U.S. Pat. No. 10,528,960 (“the ’960 Patent”), U.S. Pat. No. 9,514,568 (“the ’568 Patent”), U.S. Pat. No. 8,670,961 (“the ’961 Patent”), U.S. Pat. No. 8,542,880 (“the ’880 Patent”), U.S. Pat. No. 9,135,737 (“the ’737 Patent”), U.S. Pat. No. 8,209,152 (“the ’152 Patent”), U.S. Pat. No. 8,593,518 (“the ’518 Patent”), and U.S. Pat. No. 10,685,149 (“the ’149 Patent”), collectively the “Asserted Patents.”

<sup>2</sup> Plaintiffs note that they have a second case pending before this Court, styled *Eagle View Technologies, Inc. et al. v. GAF Materials LLC*, Case No. 2:22-cv-00215-TS-DAO (the “GAF Case”), asserting certain of the same patents against another defendant (GAF) and accusing certain of the same products. In light of this factual overlap, the same claims may need to be construed in the GAF Case. In addition, Plaintiffs have filed a *Motion for Leave to File an Amended Complaint or, in the Alternative, to Consolidate Cases*, currently pending, that seeks, among other things, to add patents and to add GAF as a defendant, or alternatively to consolidate the instant case with GAF Case. See Dkt. 155.

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*Attorneys for Plaintiffs Eagle View  
Technologies, Inc. and Pictometry  
International Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 17th day of February 2023, I caused to be electronically filed and served the foregoing PLAINTIFFS' MOTION TO SET CLAIM CONSTRUCTION HEARING with the Clerk of the Court using the Court's electronic filing system, which sent notification of such filing to all attorneys listed on the docket.

/s/ Juliette P. White

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